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1  
2 UNITED STATES DISTRICT COURT

3 FOR THE NORTHERN DISTRICT OF CALIFORNIA

4 HASTINGS COLLEGE OF THE LAW, a  
5 public trust and institution of higher  
6 education duly organized under the  
7 laws and the Constitution of the  
8 State of California;

9 FALLON VICTORIA, an individual;

10 RENE DENIS, an individual;

11 TENDERLOIN MERCHANTS AND

12 PROPERTY ASSOCIATION, a

13 business association;

14 RANDY HUGHES, an individual; and

15 KRISTEN VILLALOBOS, an individual,

16  
17 Plaintiffs,

18 v.

19 CITY AND COUNTY OF SAN

20 FRANCISCO, a municipal entity,

21  
22 Defendant.

Case No. 4:20-cv-03033-JST

**JOINT CASE MANAGEMENT  
CONFERENCE STATEMENT**

1 The parties submit this Joint Case Management Statement in advance of the  
2 Case Management Conference Statement scheduled for 10:00 a.m. on Wednesday,  
3 July 22, 2020.

4 **Plaintiffs' position:** Pursuant to the stipulated injunction, the case is stayed  
5 while the City is performing its obligations and while awaiting Board of Supervisors  
6 vote on approval. Plaintiffs understand that vote is expected to occur in the first part  
7 of August. Plaintiffs thus propose that the CMC be continued to the third week in  
8 August, at which time the parties expect to know whether or not the Board has  
9 approved the settlement. If the Board does approve the settlement, and the  
10 Intervenor intend to proceed with their case, then plaintiffs would likely file Rule  
11 12 motions vis-à-vis the Intervenor's complaint. If the Board does not approve the  
12 settlement, then plaintiffs would have a proposal for the next steps in the litigation  
13 at the next CMC.

14  
15  
16 **The Intervenor's Position:**

17 Intervenor plan to file an amended complaint by July 31, 2020. Amendments  
18 will address the Stipulated Injunction's implementation.

19 For Intervenor and the people they serve, the Stipulated Injunction has  
20 resulted in haphazard implementation inviting violations of the Americans with  
21 Disabilities Act (ADA). For example, no party to this litigation knows if the City has  
22 a process to ensure that placements are accessible to people with disabilities or for  
23 determining whether an individual with a disability will be offered a congregate or  
24 non-congregate placement. As of July 13, 2020, the City of San Francisco's counsel  
25 could not identify a process that is being used to ensure that the City is meeting the  
26 requirements of the ADA in the provision of placements as it implements the  
27  
28

1 Stipulated Injunction. But such a process is necessary to ensure that the City  
2 complies with both the ADA and the Centers for Disease Control and Prevention's  
3 guidance regarding unsheltered homelessness and COVID-19.

4 Intervenor continue to believe that modifications to the Stipulated Injunction  
5 are necessary to prevent further harm to unsheltered Tenderloin residents.  
6 Intervenor ask the Court to order the parties to discuss such modifications.  
7

8 **The City's Position:**

9 This case is stayed pursuant to an order of this court while awaiting Board of  
10 Supervisors vote on approval of the Stipulated Injunction. The City has submitted  
11 the Stipulated Injunction to the Board of Supervisors and has begun executing its  
12 obligations under the injunction. As of July 10, 2020 the City had fulfilled its  
13 obligation of reducing the tent count by 70%. Since June 10, 2020 the City offered  
14 alternative sleeping options to 546 people within the Tenderloin. 472 people were  
15 relocated to hotels, 81 to safe sleeping sites, and 10 were placed in shelters. In doing  
16 so, the City has accommodated persons with disabilities who were unsheltered in the  
17 Tenderloin. Indeed, Intervenor have not identified even a single person whose  
18 disabilities were not accommodated by the City.  
19

20 Further, it is simply not true that "no party to this litigation knows if the City  
21 has a process to ensure that placements are accessible to people with disabilities or  
22 for determining whether an individual with a disability will be offered a congregate  
23 or non-congregate placement." City employees have shared information with  
24 Intervenor's staff members, with whom they work on a regular basis, and the City  
25 has been responding to requests for public records to multiple City departments  
26 (although some documents are available on City websites). While Intervenor feel  
27  
28

1 that they have not received adequate assurances from the City's counsel, they have  
2 not identified any failures by the City to accommodate persons with disabilities.

3 WALKUP, MELODIA, KELLY & SCHOENBERGER  
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5  
6 Dated: July 14, 2020

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